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THE UNITED STATES DISTRICT COURT
Middle District of Pennsylvania
Harrisburg, PA

Yan SHAO

plaintiff,

v.

Edward Cuccia

Charles Day

John / Jane Doe

Law Offices of Ferro & Cuccia

Defendants.

No. 1:00 CV 1901
(JUDGE Rambo)

FILED
HARRISBURG, PA

NOV 19 2002

MARY E. D'ANDREA, CLERK
Per gls
Deputy Clerk

CIVIL ACTION - LAW

BRIEF IN SUPPORT OF PLAINTIFF'S MOTION REQUESTING RELEASE OF
MATERIALS SUBMITTED *IN CAMERA* BY PAMELA DAY

INTRODUCTION

On October 98, 2002, in an order signed by District Judge William W. Caldwell, Ms. Pamela Day was instructed to submit to the Court responses to asset interrogatories served upon her on August 1, 2002. The defendant and judgement creditor in this matter, Charles C. Day, has made answer to a separate set of asset interrogatories. Several of his answers are the subject of objections by the plaintiff and a motion seeking judicial supervision of his responses has been submitted this date to this Court. In addition to some of the answers objected to by the plaintiff, several of Mr. Day's responses indicate that the information sought from "PJ Day" are relevant to the execution of the judgement of this Court.

PROCEDURAL HISTORY OF THE CASE

1. On November 7, 2001, this Court found Mr. Day had committed legal malpractice and ordered him to pay \$78,016.00 to Ms. Yan Shao, the plaintiff.
2. Mr. Day filed a timely notice of appeal. No other submissions were made in furtherance of the appeal. The appeal has been dismissed.
3. On August 1, 2002, PJ Day was personally served with two sets of interrogatories, which she declined to answer.
4. Copies of similar asset interrogatories were sent to Mr. Day in September, 2002, both as exhibits attached to pleadings and via First Class mail on September 12, 2002.
5. On October 9, 2002, in an order signed by District Judge William W. Caldwell, this Court ordered Ms. Pamela ("P.J.") Day to respond *in camera* by November 1, 2002, to the asset interrogatories served upon her. The Court also ordered Charles Day to forward to the plaintiff his responses to similar interrogatories, which had been forwarded to him.
6. On November 12, 2002, Mr. Day forwarded to undersigned counsel his responses to the asset interrogatories (Please see appended Exhibit 1.)

STATEMENT OF FACTS

1. On November 5, 2002, the undersigned wrote to Ms. P J Day asking her to confirm whether she had made the *in camera* submission to the

Court, by November 1, 2002 as ordered. No response to this letter has been received.

STATEMENT OF QUESTION INVOLVED

Whether the *in camera* submissions of Pamela (P J) Day may be made available to the plaintiff.

ARGUMENT

In his responses (appended Exhibit 1), Mr. Day has stated (item 7) that he is self employed and that (item 7a) his income "varies \$200-\$400 / week." Mr. Day has also implied (item 9) that he does not know the account number of an account at "Ridgewood Savings;" he stated the account number is "currently unknown." Mr. Day has also declined to provide the address of this institution or of "Citibank," where he also states he has an account. Mr. Day has stated (item 14) that the total value of property owned by him does not exceed \$1,000 and (item 17) he does not know the name of the court or the docket number of a case which apparently resulted in a \$10,000 judgement against him. Mr. Day has also stated (item 19) that his wife does not contribute to his or his household's support and maintenance.

The undersigned has discovered that Pamela ("PJ") Day is an attorney licensed to practice in New York State. (Please see appended Exhibit 2) This fact apparently was not made known to this Court when Ms. Day filed a pleading before this Court on or about October 2, 2002. The plaintiff asks the Court to note that the letterhead used by Ms. Day to write to the Clerk of this Court does not identify Ms. Day as a lawyer. Nor does the signature block on her pleading so

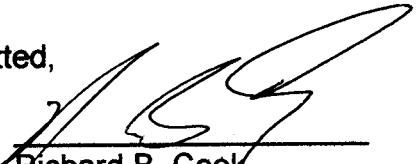
identify her. The Court is asked to note further that the defendant Charles Day served as a notary in connection with Ms. Pamela Day's pleading.

The plaintiff respectfully suggests that Ms Pamela Day should have acknowledged before this Court that she is an attorney, subject to a lawyer's unique professional obligations as an officer of the court, and in possession of a lawyer's specialized knowledge of substantive and procedural law. This absence of candor before this Court suggests that one or more of Ms. Day's *in camera* responses may be incomplete. For example, Mr. Day, has stated (appended Exhibit 1, interrogatory #19) that his wife contributes nothing to his household income. Inasmuch as Mr. Day also has stated (appended Exhibit 1, #7a) that his own income "varies" from \$200 to \$400 per week, his response to #19 is hard to believe.

Before seeking to initiate a costly effort to depose either Charles or Pamela Day, or to execute a judgement in New York State, the plaintiff wishes to review Pamela Day's responses to the asset interrogatories served upon her. WHEREFORE, the plaintiff respectfully requests the Court make this material available to her.

Respectfully submitted,

Craig T. Trebilcock
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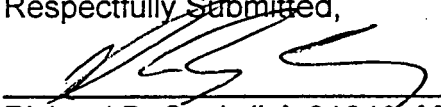
CIVIL ACTION - LAW

Court. Even if you dispute the judgment you must answer all of the attached questions.

Be sure to sign and date your answers.

Date: 9/12/02

Respectfully Submitted,


 Richard B. Cook (LA 21248. MD)
 Attorney for the Plaintiff
 PO Box 411
 Hunt Valley, MD 21030-0411
 410/683-9469

INTERROGATORIES IN AID OF EXECUTION OF JUDGEMENT

1. Full name: Charles Day
2. Address: 90-100 Ryan Pl., Jamaica NY 11432
3. Birth Date: _____
4. Social Security Number: Objection
5. Drivers' License Number and Expiration Date: N.Y. 786603868; 9/1/07
6. Telephone Number: You already have all 3.
7. Full Name and Address of Your Employer:
Self-employed
 a. Your weekly salary: Gross _____ Net varies \$200-\$400/wk.
 b. If not presently employed, name and address of last employer

8. If there is currently a wage execution on your salary (circle one):

Yes ☐ No ☒

9. List the names, addresses and account numbers of all bank accounts on which your name appears:

- a. Ridgewood Savings Bank account # currently unknown.
- b. Citibank account 035-078446-65
- c. _____

10. If you receive money from any of the following sources, list the amount, how often and the name and address of the source, using additional paper, if necessary;
Type

	<u>Amount & Frequency</u>	<u>Name & Address of Source</u>
Alimony	<u>0</u>	_____
Loan Payments	<u>0</u>	_____
Rental Income	<u>0</u>	_____
Pensions	<u>0 -</u>	_____
Bank Accounts	<u>0</u>	_____
Stock Dividends	<u>0</u>	_____

11. Do you receive social security benefits? (circle one)

Yes

No

12. Do you own property where you reside? (circle one)

Yes

No

If yes, state the following:

- a. Name of the owner or owners: _____
- b. Date property was purchased: _____
- c. Purchase price: _____
- d. Name and address of mortgage holder: _____
- e. Balance due on mortgage: _____

13. Do you own any other real estate? (circle one)

Yes

No

If yes, state the following for each property:

- a. Address of property: _____
- b. Date property was purchased: _____
- c. Purchase price: _____
- d. Name and address of all owners:

e. Name and address of mortgage holder: _____

f. Balance due on. mortgage: _____

g. Name and address of all tenants and monthly rental paid by each tenant:

1. _____

2. _____

3. _____

14. Does the present value of your personal property which include automobiles, furniture, appliances, stocks, bonds, and cash on hand exceed \$1,000.00? (circle one)

Yes

No

and itemize all personal property owned by you (use additional paper, if necessary).

Cash on Hand: \$ _____

Other Personal Property (excluding Motor vehicles)

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

15. Do you own one or more motor vehicles? (circle one)

Yes
No

If yes, state the following for each vehicle owned:

a. Make, model and year of motor vehicle: _____

b. If there is a lien on the motor vehicle, state the name and address of the lien holder, and the amount due to the lien holder:

c. State where Licensed and License plate: _____

d. Vehicle identification number: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____

Is Finance Balance Still Due? _____

Present Value: _____

Set forth make _____, model _____ & serial number _____.

If financing, the name and address of party to whom payments are made).

Item: _____

Date Purchased: _____

Purchase Price: _____
 Is Finance Balance Still Due? _____
 Present Value: _____

16. Do you own a business? (circle one)

Yes
 No

If yes, state the following:

a. Name and address of the business:

Solo practitioner see #7

b. Is the business a Corporation, sole proprietorship, or partnership? see 7

c. The name and address of all stockholders, officers, and/or partners (use separate paper, if necessary):

see 7

d. The amount of income received by you from the business during the last twelve months: \$ _____

17. Set forth all other judgments that you are aware of that have been entered against you and include partners (use separate paper, if necessary):

Creditor's Name	Creditor's Attorney	Amount Due	Name of Court	Docket
<u>Joseph Ciaramonte</u>	<u>unk.</u>	<u>10,000</u>	<u>unk.</u>	<u>unk.</u>
_____	_____	_____	_____	_____
_____	_____	_____	_____	_____

18. Please state the name and address of your wife.

Object

19. Does your wife contribute to the support and maintenance of yourself and/or of your

household?

No

20. Please state the name and address of your wife's employer.

Object, not a party to the action.

21. Please state the amount of your wife's annual income.

Object, not a party

22. Please state whether your wife owns any real estate? (circle one)

Yes

No

Object, not a party to the action

If yes, state the following for each property:

- b. Address of property: _____
- b. Date property was purchased: _____
- c. Purchase price: _____
- d. Name and address of all owners:

e. Name and address of mortgage holder: _____

f. Balance due on mortgage: _____

g. Name and address of all tenants and monthly rental paid by each tenant:

4. _____

5. _____

6. _____

23. Does the present value of your wife's personal property which include automobiles, furniture, appliances, stocks, bonds, and cash on hand exceed \$1,000.00? (circle one)

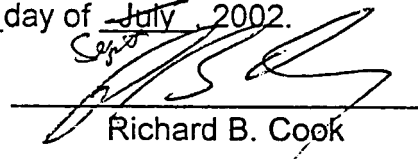
Yes
No

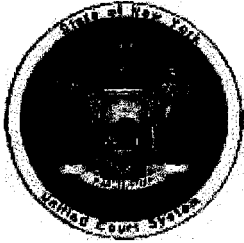
Objection, not a party to the action

CERTIFICATE OF SERVICE

I certify that copies of the foregoing interrogatories have been served upon the pro se defendant by first class mail this 17th day of July, 2002.

12th

Sent

Richard B. Cook



New York State Attorney Inquiry

Registration Number	First Name	Middle Name	Last Name	Firm Name	Street	Street	City	State	Zip	Phone Number
2745255	PAMELA	J	DAY	LAW OFFICE OF JUSTINE CUCCIA	325 BROADWAY	LOBBY	NEW YORK	NY	10007	(212) 964-4666

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